

Notice of Allowability

Application No.

10/098,709

Examiner

Sanza L McClendon

Applicant(s)

ALLRED ET AL.

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/31/2003.
2. ☒ The allowed claim(s) is/are 1-71.
3. ☒ The drawings filed on 13 March 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Art Unit: 1711

DETAILED ACTION

Response to Amendment

1. In response to the Amendment received on 10/31/2003, the examiner has carefully considered the amendments. The examiner acknowledges the addition of claims 70-71.

Response to Arguments

2. Applicant's arguments, see Remarks, filed October 31, 2003, with respect to claims 1-71 have been fully considered and are persuasive. The rejection of claims 1-14, 18-31, 33-40, 43, 45-48, 52-54, 55-60, and 62-67 under 35 USC 103(a) as being unpatentable over Mitra et al (5,922,786) in view of Ario et al (5,595,487) and Fischer et al (5,708,052) has been withdrawn. The rejection of claims 1-5, 11-14, 18, 20-24, 27-30, 39-40, 43, 45-51, and 53 under 35 USC 102(b) as being anticipated by Mitra et al (5,922,786) has been withdrawn.

Allowable Subject Matter

3. Claims 1-71 are allowed.

4. The following is an examiner's statement of reasons for allowance: The primary reasons for allowance is the combination of at least one photoinitiator in combination with a chemical initiator in a dental composition, wherein the chemical initiator is stable when mixed in the composition and/or when exposed to radiation but initiates when in contact with an amalgam restorative material. See the interview summary mailed 11/5/2003 for additional comments.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

EXAMINER'S AMENDMENT

Art Unit: 1711

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John Guynn on February 6, 2004.

The application has been amended as follows:

In claim 1, line 8; delete the words "a quantity of".

In claim 1, line 8; delete the word "sufficient".

In claim 55, line 6; delete the words "an excess of".

In claim 63, lines 9-10, delete the words "a quantity of".

In claim 63, line 10; delete the word "sufficient".

In claim 67, line 9; delete the words "an excess of".

In claim 67, line 13, delete the word "causes" and insert in its place the word "cause".

In claim 70, line 6; delete the words "a quantity of".

In claim 70, line 6; delete the word "sufficient".

In claim 71, line 6; delete the words "a quantity of".

In claim 71, line 6; delete the word "sufficient".

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanza L McClendon whose telephone number is (571) 272-1074. The examiner can normally be reached on Monday through Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1711

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sanza L McClendon

Examiner

Art Unit 1711

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James J. Seidleck
Supervisory Patent Examiner
Technology Center 1700